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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Luis RIOS-Flores** Defendant.	Magistrate Case No. '07 MJ 2936 WMC COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation (Felony)

The undersigned complainant being duly sworn states:

On or about **December 18, 2007**, at the Otay Mesa Port of Entry, within the Southern District of California, defendant **Jose Luis Rios-Flores**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Juan Daniel Ponce Cabrera**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **December, 2007**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Juan Daniel PONCE-Cabrera** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 18, 2007 at approximately 1654 hours, **Jose Luis RIOS-Flores (Defendant)** made application for admission into the United States at the Otay Mesa, California Port of Entry as the driver and sole visible occupant of a 1995 Nissan Maxima. Defendant presented to a Customs and Border Protection (CBP) Officer a photo altered DSP-150 Laser Visa Card bearing the name Guillermo LOPEZ-Rivera. The CBP Officer performed a cursory inspection of the vehicle and noticed several scratches on the body of the vehicle and unusual cleanliness inside. When the CBP Officer opened the trunk, people were discovered concealed within. Defendant and the vehicle were escorted to secondary for further inspection.

In secondary, CBP Officers assisted two males from the trunk of the vehicle. Further investigation revealed both males to be citizens and natives of Mexico without entitlements to enter, pass-through, or reside in the United States. One is now identified as **Juan Daniel PONCE-Cabrera (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit of counsel. Defendant admitted knowledge of the undocumented aliens concealed in the trunk of the vehicle. Defendant admitted he was smuggling the aliens into the United States to have his smuggling fee reduced from $4,000.00 to $200.00 USD. Defendant stated he was taking the vehicle to Palomar Street off of the Interstate 5 where someone would meet him and take possession of the vehicle.

During a videotaped interview, Material Witness declared he is a citizen of Mexico without legal right to enter the United States. Material Witness stated he was going to Temecula, California to seek employment. Material Witness stated he was going to pay approximately $2,000 USD to be smuggled into the United States.

Signature of Complainant
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

United States Magistrate Judge